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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,235	12/13/2001	Timothy Alan Dietz	AUS920010924US1	6288

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EXAMINER	
PILLAI, NAMITHA	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,235	DIETZ ET AL.	
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 6,012,086 (Lowell).

Referring to claims 1, 22 and 41, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream, start time, and a desired format (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell discloses converting the media data stream into the desired format to form a formatted media data stream (column 8, lines 35-50). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66).

Referring to claims 2 and 23, Lowell discloses that the user input includes an identification location of the media (column 6, lines 24-26).

Referring to claims 3, 18, 24 and 39, Lowell discloses that the media is at least one hard disk drive, recordable compact disc, re-writable compact disc, floppy disk, memory stick and a flash memory (column 6, lines 63-67, column 7, lines 1-5 and column 9, lines 19-25).

Referring to claims 4 and 25, Lowell discloses that the identification of the source is a universal resource locator (column 6, lines 23-25).

Referring to claims 5 and 26, Lowell discloses that the user input includes user identification and a password (column 5, lines 45-46).

Referring to claims 6 and 27, Lowell discloses that the requesting step includes using the user identification and the password to request the media data stream (column 5, lines 43-46).

Referring to claims 7 and 28, Lowell discloses identifying an initial format of the media data stream, converting the media data stream to a viewable format and converting the media data stream to the desired format from the viewable format (column 8, lines 35-50 and column 9, lines 40-50).

Referring to claims 8 and 29, Lowell discloses that a set of codecs are used to convert the media data stream from the initial format to the viewable format and to convert the media data stream from the viewable format to desired format (column 9, lines 40-50), wherein the decryption and decompression programs would serve to convert the data to the desired format.

Referring to claims 9 and 30, Lowell discloses that the viewable format is a format displayable by an operating system in the data processing system (column 4, lines 48-51).

Referring to claims 10 and 31, Lowell discloses that the desired format is an audio format and the media data stream includes video and audio and converting only audio portions of the media data stream into the audio format (column 5, lines 22-30), wherein Lowell discloses the

media data stream containing both audio and video data but formatting done appropriately for the radio in Figure 3 to play the audio format, wherein clearly this radio is only capable of playing the audio data and hence would only covert the audio data.

Referring to claims 11 and 32, Lowell discloses wherein the audio format is a Moving Pictures Expert Group audio layer 3 format (column 9, lines 40-50).

Referring to claims 12 and 33, Lowell discloses that the media is a live broadcast of an event (column 5, lines 14-15).

Referring to claims 13 and 34, Lowell discloses that the set of controls includes a play button, record button, a fast forward button, and a rewind button (Figure 3).

Referring to claims 14 and 35, Lowell discloses that the user input is received in at least one input screen (Figure 4).

Referring to claims 15 and 36, Lowell discloses that the graphical user interface includes a control to select format for storing the media data stream (column 6, lines 63-66).

Referring to claims 16 and 37, Lowell discloses that the graphical user interface further includes a control to select a location to store the media data stream (column 6, lines 63-66).

Referring to claims 17, 38 and 42, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a first control used select a format for storing the media data stream and a second control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses receiving user input selecting the format and the location (column 6,

lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format to form a formatted media data stream (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66).

Referring to claims 19 and 40, Lowell discloses that the format is MPEG or MP3 (column 9, lines 41-45).

Referring to claim 20, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream, start time, and a desired format (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell discloses converting the media data stream into the desired format to form a formatted media data stream (column 8, lines 35-50). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66).

Referring to claim 21, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory

includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a first control used select a format for storing the media data stream and a second control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses receiving user input selecting the format and the location (column 6, lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format to form a formatted media data stream (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66).

Response to Claim Changes

2. The Examiner acknowledges Applicant's amendments to claims 7 and 28 to better specify the present invention. However all claims are rejected under 35 U. S. C. 102 as being previously disclosed in a prior art.

Response to Arguments

3. Applicant's arguments filed 1/25/05 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that Lowell does not disclose a field allowing a user to specify a desired format. Lowell teaches displaying an additional field with information that is provided pertaining to the format of the data accessed, wherein based on the type of macro

that is input by the user, formatting procedures are carried out for accessing and displaying the accessed data to the user based on a distinct format.

With respect to Applicant's arguments that Lowell does not teach data in one particular format is converted to a user-specified format. Lowell does teach allowing the user input formatting data in the field, as stated above, wherein clearly Lowell discusses formatting issues that occur in such an application, and wherein formatting does occur from one type to a different type in such applications.

With respect to Applicant's arguments that Lowell does not teach the two pronged conversion. Lowell discloses specifying a user defined format, wherein the user with the macro has provided a formatting mechanism for manipulating the accessed data, and furthermore, by attempting to access the data through a web browser, Lowell has further taught how the user has determined a distinct format for displaying data, wherein the data must then be able to comply with the web browser format in order to be accessed and displayed. Lowell teaches how formatting occurs for accessing the data on to a user's computer and wherein, this data that is accessed must then be further formatted to be properly displayed to the user. Thus Lowell teaches how formatting occurs from accessing from the server and further formatting of this data occurs for it be viewable to the user. See column 9, lines 35-41.

With respect to Applicant's arguments that Lowell does not teach processing prior to storage of data. The claim of the present invention does not explicitly make it clear that any formatting processing clearly occurs before storage. Furthermore, Lowell teaches that decompression and other formatting methods are used for accessing data from the server, wherein this accessing would clearly occur before the storage of the data (column 9, lines 38-40).

With respect to Applicant's arguments that Lowell does not disclose converting only audio portions of the media stream. Lowell does teach a mechanism through which audio data is transmitted through audio output means wherein this refers only to audio data and requires formatting mechanisms to output the data (column 4, lines 1-7).

With respect to Applicant's arguments that Lowell does not teach specifying a format for storing data. Lowell by using the field to enter the destination of the data stream has determined a format, wherein the input and the type of destination data that is input by the user can also represent format data.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please

label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
May 11, 2005

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